

## REMARKS/ARGUMENTS

### **Claim Objection**

The Office Action indicated that the numbering of claims is not accordance with 37 CFR 1.126, which requires the original numbering of the claims to be preserved throughout the prosecution. The applicant hereby corrects the misnumbered claims 1-4 in the amendment submitted 8/24/1999. In the present response, the current listing of claims has identifiers showing claims 1-4 and 6 as “Canceled” and claims 5, 7 and 8 as “Currently amended”.

With respect to the specific claim objections dedicated to claim 5, the applicant makes amendments to claim 5 responding to the cited objections.

### **Claim Rejections § 112**

#### **Indefinite**

The second paragraph of 35 U.S.C. §112 states the following:

“The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention”

Claims 5-8 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, for claims 5-8, the Office Action indicated that the claims recite a cover, linked plate, driving wheel and bottom each with a first face and a second face where the claims must be clear which element is referred to when reciting a first face or second face to avoid confusion. The applicant hereby makes amendments to claims 5 and 8 and cancels claim 6 in response to the cited rejections. The portions relative to the current rejections now read as “...two link plates, each of the linked plates keeping a distance from one another and having a first face, a second face and a lug, the lug being provided with a protuberance on one side, and the first face of the linked plate being provided with at least one wedged ramp, and the wedged ramp of the first face of the linked plate having a slope equal to that of the wedged ramp of the base...” (emphasis added to indicate the amendments made in response to the cited claim

rejections) and “...a driving wheel, having a first face and a second face, the first face of the driving wheel being provided with stops and a first guiding groove, the first face of the driving wheel facing the second face of the linked plate, the second face of the driving wheel being provided with a second guiding groove, wherein the driving wheel abuts the lug of the linked plate such that the protuberance of the linked plate moves along the first guiding groove and is limited by the stops...” (emphasis added to indicate the amendments made in response to the cited claim rejections).

With respect to the claim 8 rejection, the applicant replaces the phrase “the second face of the sealing gasket” in line 3 with the term “base” to overcome the insufficiency of antecedent basis for this limitation in the claim.

### **Patent Examiners Should Interpret Claims in Light of Specification**

The court has recently indicated that the PTO should apply the principles of *Phillips v. AWH* during prosecution — rather than the PTO’s current practice of giving claims their “broadest reasonable interpretation.” *In re Johnston* (Fed. Cir. 2006). The Patent Office may use a dictionary in defining the patent applicant’s claim terms only when the patent specification did not otherwise provide any interpretation.

### **35 USC 103(a)**

Claims 5-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Murata et al. (U.S. Patent No. 5,743,424) in view of Lane (U.S. Patent No. 1,273,625) and Neumann et al. (U.S. Patent No. 5,599,028).

The applicant respectfully disagrees for the reasons discussed below. The applicant also hereby makes amendments to the claims in view of the Examiner’s comments. The applicant respectfully submits that the amendments to the claims traverse this rejection.

The 35 U.S.C. §103(a) states the following:

“(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.”

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**The Cited References, Combined or Individually, Do Not Disclose Every Limitation**

*The amended claim 5 recites the following limitations:*

“A mechanically actuated airtight device for wafer carrier, comprising:

a cover, having a first face and a second face, and being formed with at least one hole therethrough;

at least one sealing gasket, being positioned above the hole of the cover, the sealing gasket having a base in a form of a wedged ramp, and the base having a through opening;

two linked plates, each of the linked plates keeping a distance from one another and having a first face, a second face and a lug, the lug being provided with a protuberance on one side, and the first face of the linked plate being provided with at least one wedged ramp, and the wedged ramp of the first face of the linked plate having a slope equal to that of the wedged ramp of the base, such that the wedged ramp of the first face of the linked plate mates with the wedged ramp of the base on a lock state;

a driving wheel, having a first face and a second face, the first face of the driving wheel being provided with stops and a first guiding groove, the first face of the driving

wheel facing the second face of the linked plate, the second face of the driving wheel being provided with a second guiding groove, wherein the driving wheel abuts the lug of the linked plate such that the protuberance of the linked plate moves along the first guiding groove and is limited by the stops; and

a bottom having a first face and a second face, the first face of the bottom being located beneath the second face of the driving wheel, and the bottom being engaged with the cover, wherein a circular rail is provided on the first face of the bottom and moves along the second guiding groove on the second face of the driving wheel;

wherein the two linked plates only move rightward and leftward by rotating the driving wheel such that the wedged ramp of the base and the wedged ramp of the first face of the linked plate seal or release the through opening.”

The examiner states in the Office Action that the projections 25A and 25B of cited reference Murata correspond to the protuberances in the present application, and the groove 22B corresponds to the first guiding groove of the present application. However, the second face of the linked plates, on which the protuberances are located, faces the first face of the driving wheel where the first guiding groove is located. In contrast, as shown in Murata, the surface where the projections 25A and 25B are located does NOT face the surface on which the groove 22B is located (see FIG. 3 of Murata). Therefore, though the projections 25A and 25B of Murata are located on the rocker arm and the groove 22 is located on the cam member 21 as asserted by the examiner, these disclosed limitations are not the same as the currently claimed features of the present application.

The cited reference Murata does not show stops on the first face of the driving wheel and the second guiding groove on the second face of the driving wheel. Also, Murata does not disclose the feature where the driving wheel abuts the lugs of the linked plates such that the protuberances of the linked plates move along the first guiding groove and that are limited by the stops. In addition, Murata does not disclose a circular rail that is provided on the first face of the bottom and moves along the second guiding groove on the second face of the driving wheel.

Moreover, the rocker arm of Murata is moved upward when the roller 22a rotates on either inclined surface 24a or 24b of the protuberances 24A and 24B such that the valve 40 is raised to mask the vent hole 35 (see FIG. 4(c) of Murata). In other words, the disclosure of Murata masks the vent hole by a vertical movement. However, the claimed features of the present application complete its task by purely horizontal movement of the linked plate and mutual abutment of the wedged ramp of the linked plates and the wedged ramp of the sealing gasket. Therefore, Murata does not teach the two linked plates move rightward and leftward by rotating the driving wheel such that the wedged ramp of the base and the wedged ramp of the first face of the linked plates seal or release the through opening.

Even though the combination of cited references Lane and Neumann discloses edges of components having wedged ramp with the same slope, the edge 10 of the component 5 slides over the edge 11 of the component 7 during upward and downward movements of the sash 6, and due to the presence of a bowed spring 15, the edges 10 and 11 are always fully engaged with each other during movement thereof (see FIG. 3 of Lane). However, the wedged ramp of the first face of the linked plates does not always fully engaged with the wedged ramp of the base. On the contrary, only when the two linked plates move rightward and leftward by rotating the driving wheel the wedged ramp of the base and the wedged ramp of the first face of the linked plates will then fully engaged and seal the through opening.

Without conceding the propriety of the asserted combination, however, the applicant respectfully submits that the asserted combination does not disclose at least the aforementioned features of claim 5. Amendments to claim 5 should make the rejection under 35 U.S.C 103(a) with respect to claims 7-8 moot.

Therefore, the amended claim 5 is sufficient to render the present invention patentable over the cited references. Claims 7-8 are dependent from the amended claim 5, whereby should be patentable over the cited references for the same reasons stated above.

Accordingly, the applicant respectfully submits that the amendments to claim 5 traverse this rejection. Favorable reconsideration and withdrawal of the rejection under 35 U.S.C. § 103 are respectfully requested.

### **Patent Examiners Should Interpret Claims in Light of Specification**

The court has recently indicated that the PTO should apply the principles of *Phillips v. AWH* during prosecution — rather than the PTO’s current practice of giving claims their “broadest reasonable interpretation.” *In re Johnston* (Fed. Cir. 2006). The Patent Office may use a dictionary in defining the patent applicant’s claim terms only when the patent specification did not otherwise provide any interpretation.

### **Office has the Burden of Proof**

The applicant respectfully notes that the Office has the initial burden of setting forth a prima facie case of obviousness, and to do that the Office must identify **specific** teachings, suggestions or motivations in the prior art for making the claimed combination. Merely pointing out that various elements by themselves are known in the prior art is insufficient. Nor is it sufficient to merely state that combination of the missing elements is obvious because their combination would be beneficial. If that were the standard nothing would ever be patentable.

### **Request For Allowance**

Claims 5 and 7-8 are pending in this application. The applicant respectfully submits that the independent claims patentably define the present invention over the citations of record. Further, the dependent claims should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested. Favorable consideration is respectfully requested.

Respectfully submitted,  
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